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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

MARK FORD,

Defendant and Appellant.

D057649

(Super. Ct. No. SCS236058)

APPEAL from a judgment of the Superior Court of San Diego County, Esteban Hernandez, Judge. Affirmed.

This appeal arises from Mark Ford's guilty plea to one count of battery by a prisoner. The appeal proceeds in accordance with *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

FACTS AND PROCEDURAL BACKGROUND

Ford entered a guilty plea to battery by a prisoner and agreed to a stipulated sentence of three years, to be served consecutively to his current prison term. Ford

agreed to immediate sentencing, and he was sentenced in accordance with the plea agreement. As a result of immediate sentencing there is no probation report in the record.

Ford's change of plea form contains the following statement as a factual basis for the plea: "I used unlawful force on a non-inmate while serving time at a state detention facility."

Ford's appellate counsel has filed a brief indicating that he has been unable to identify any argument for reversal and instead asks this court to review the record for error as mandated by *Wende, supra*, 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738 (*Anders*), the brief identifies three issues as possible, but not arguable on appeal:

1. Whether Ford was properly advised of his rights prior to entering into the plea agreement.
2. Whether there is a factual basis for the plea.
3. Whether the trial court properly calculated Ford's custody credits.

This court invited Ford to file a brief on his own behalf. Ford has filed several letters with this court, principally complaining about prison authorities. After receiving an extension of time Ford filed another letter that very briefly addresses this appeal. The bulk of the letter continues to complain about the prison. It also requests this court to send him \$400 for his canteen account.

In his brief comments about this appeal, Ford states he only pled guilty because he was housed in the county jail with an inmate who was his enemy. Ford argues we should set aside his plea on those grounds.

DISCUSSION

We deal first with Ford's allegation that his plea was the product of duress. We have reviewed the record and find nothing in this record to support Ford's current contention. Indeed, at the change of plea, the trial court made sure Ford understood his rights and gave him more time to review the change of plea form with defense counsel. Ford stated under oath that he had not been threatened by anyone nor was he given any promises not set forth in the plea agreement. Since there is nothing in this record to support Ford's contention, we must reject it on appeal. If Ford wishes to pursue his claim of duress, his remedy is by way of a petition for habeas corpus filed in the trial court. (*People v. Mendoza Tello* (1997) 15 Cal.4th 264.)

As previously indicated, we have reviewed the entire record in accordance with *Wende* and *Anders* and have not found any reasonably arguable appellate issues. Competent counsel has represented Ford on this appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, J.

WE CONCUR:

BENKE, Acting P. J.

IRION, J.